

REMARKS

Claims 1-13 remain pending in this application for which applicants seek reconsideration. Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sasaki (USPGP 2005/0271230) in view of Grimani (USP 6,498,852). Claim 6 was rejected under § 103(a) as unpatentable over Sasaki in view of Yeap (USP 4,118,601). Claims 1-4 were rejected under § 103(a) as unpatentable over Sasaki in view of Grimani and Yeap. Claims 7-10 were rejected under § 103(a) as unpatentable over Sasaki in view of Aylward (USP 6,240,189). Lastly, claims 11-13 were rejected under § 103(a) as unpatentable over Sasaki in view of Aylward and Yeap.

Applicants traverse each of the above-art rejections because Sasaki is not a valid prior art as the present priority application predates Sasaki's earliest effective date. Specifically, the present priority application was filed on 25 December **2003**. Sasaki was published on 05 December 2005. Sasaki's PCT date is not applicable because the PCT application was not published in English. In other words, because the PCT was published in non-English, Sasaki has **no § 102(e) date**, as clearly evidenced by the front cover. See MPEP § 1896, Section II(B), which explicitly states that a national stage application filed under § 371 can be applied only under § 102(a) or (b) if its PCT application was not published in English. Thus, the earliest usable date of Sasaki is its earliest publication date, which is its PCT application published in Japanese on 24 June **2004** as WO2004/054314. The present priority application predates Sasaki's earliest publication date. Accordingly, Sasaki is not prior art.

In this respect, applicants submit a verified English translation of the present priority application to perfect priority and overcome the art rejections. Applicants submit that claims 1-13 patentably distinguish over the applied references and are in condition for allowance.

Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

/Lyle Kimms 111208/

LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

P.O. Box 826

ASHBURN, VA 20146-0826

703-726-6020 (PHONE)

703-726-6024 (FAX)

12 NOVEMBER 2008

DATE